

REMARKS

The Applicant appreciates the Examiner's careful Examination of this case. Reconsideration and re-examination are respectfully requested in view of the instant remarks.

The Applicant was obliged to the Examiner for indicating that all the claims pending in the application are allowed.

With regard to the objection to the Abstract, a new Abstract is provided herewith. The Abstract contains 135 words.

Since filing an Information Disclosure Statement on this application, the European Patent Office Examiner has conducted a further search on the corresponding European Patent application and has cited International PCT Patent Application No. WO 03/080999. We therefore file herewith another Information Disclosure Statement to disclose WO 03/080999. WO 03/080999 has been carefully considered and it is not believed to affect the allowability of the claims.

Accordingly, it is respectfully submitted that this application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this **RESPONSE** is found to be **INCOMPLETE**, or if at any time it appears that a **TELEPHONE CONFERENCE** with Counsel would help advance prosecution, please telephone the undersigned or one of his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,



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CLEAN COPY OF THE ABSTRACT

Variable turbocharger apparatus comprising a housing, a compressor, a turbine, a chamber which extends around the turbine, a bearing assembly for the turbine, vanes mounted in the chamber, a piston positioned between the housing and the turbine, a control device controlling the piston, a piston end nearest the bearing assembly defining a gap which is variable in size to control exhaust gases acting on the turbine, at least one bypass aperture which opens to allow exhaust gases that are not required for acting on the turbine to bypass the turbine, and sliding of the piston being such that the piston is always maintained in a position which enables the turbine speed to be controlled through the gap alone when there is no bypass and through the gap and the bypass aperture when there is bypass.